Rec'd PCT/PTO 01 APR 200:

特許協力条約

PCT

国際予備審査報告

REC'D 2 7 FEB 2004

(法第12条、法施行規則第56条) [PCT36条及びPCT規則70]

出願人又は代理人	今後の手続きについては、国際予備審査報告の送付通知(様式PCT/	
の告類記号 A 3 1 6 3 1 M	IPEA/416)を参照すること。	
国際出願番号 PCT/JP03/12648	国際出願日 (日.月.年) 02.10.2003 (日.月.年) 03.10.2002	
	C07D403/12, 239/92, A61K31/517, A61P11/ 20, 25/28, 27/00, 29/00, 37/08, 43/00	
出題人(氏名又は名称)株式会社医	薬分子設計研究所	
	司陈文 供有大切作人外协会相叫做F9及(D.C.T.O.C.及)。0.相会17分1、2444-7.2	
1. 国際予備審査機関が作成したこの[国際予備審査報告を法施行規則第57条(PCT36条)の規定に従い送付する。	
2. この国際予備審査報告は、この表紀	紙を含めて全部で4 ページからなる。	
3. この国際予備審査報告は、次の内容	容を含む。	
I × 国際予備審査報告の基礎		
Ⅱ		
Ⅲ		
IV 発明の単一性の欠如		
V X PCT35条(2)に規定 の文献及び説明 VI ある種の引用文献	・ する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるため ・	
VII 国際出願の不備		
WI X 国際出願に対する意見		
国際予備審査の請求部を受理した日 02.10.2003	国際予備審査報告を作成した日 12.02.2004	
名称及びあて先	特許庁審査官(権限のある職員) 4 P 8 6 1 5	
日本国特許庁(IPEA/JP 郵便番号100-8915	i t. ette 11.	
東京都千代田区段が関三丁目 4	番3号	
	電話番号 03-3581-1101 内線 3492	



国際出願番号 PCT/JP03/12648

I. 国際予備審査報告の基礎	
1. この国際予備審査報告は下記の出願書類に基づいて作成され 応答するために提出された差し替え用紙は、この報告書によ PCT規則70.16,70.17)	た。(法第6条(PCT14条)の規定に基づく命令に いて「出願時」とし、本報告書には添付しない。
X 出願時の国際出願書類	•
明細書 第 ページ、 明細書 第 ページ、 明細書 第 ページ、	出願時に提出されたもの 国際予備審査の請求魯と共に提出されたもの 付の書簡と共に提出されたもの
請求の範囲 第	出題時に提出されたもの PCT19条の規定に基づき補正されたもの 国際予備審査の請求番と共に提出されたもの
請求の範囲第	一 付の書簡と共に提出されたもの
図面 第 ページ/図、 図面 第 ページ/図、 図面 第 ページ/図、	出願時に提出されたもの 国際予備審査の請求書と共に提出されたもの 付の書簡と共に提出されたもの
□ 明細書の配列表の部分 第 ページ、明細書の配列表の部分 第 ページ、明細書の配列表の部分 第 ページ、明細書の配列表の部分 第 ページ、	出願時に提出されたもの 国際予備審査の請求費と共に提出されたもの 付の書簡と共に提出されたもの
2. 上記の出願書類の言語は、下記に示す場合を除くほか、この	国際出願の官語である。
上記の書類は、下記の言語である 語である	Do
□ 国際調査のために提出されたPCT規則23.1(b)にいう □ PCT規則48.3(b)にいう国際公開の督語 □ 国際予備審査のために提出されたPCT規則55.2また	
3. この国際出願は、ヌクレオチド又はアミノ酸配列を含んでお	3り、次の配列表に基づき国際予備審査報告を行った。
響の提出があった □ 客面による配列表に記載した配列と磁気ディスクによ	出された書面による配列表
があった。 4. 補正により、下記の告類が削除された。	
明細密 第ページ	
調求の範囲 第	<i>></i> /図
5. 二 この国際予備審査報告は、補充概に示したように、補正がれるので、その補正がされなかったものとして作成した。 記1. における判断の際に考慮しなければならず、本報行	(PCT規則70.2(c) この補正を含む差し替え用紙は上



国際出願番号 PCT/JP03/12648

v.	新規性、進歩性又は産業上の利用可能 文献及び説明	性についての法第12条(PCT35 	条(2)) に定める見解、それを裏付 	ける
1.	見解			
	新規性(N) .		8, 10, 11, 13 -5, 9, 12	_有 _無
	進歩性(IS)		8, 10, 11, 13 -5, 9, 12	_有 _無
	産業上の利用可能性(IA)	請求の範囲1 — 請求の範囲	1 3	_有 _無

2. 文献及び説明 (PCT規則70.7)

文献1) WO 00/35452 A 2) JP 8-143586 A

請求の範囲1,3-5,9,12の発明は、国際調査報告で引用された文献1,2により新規性を有さない。文献1には、CCR3モジュレーターであって、喘息やアレルギー性疾患の予防・治療薬として有用な式(I)の化合物が記載されており、その一つである、N((3H)-2-ethylquinazolin-4-on-3-yl)-N'-[(1R,2S)-2-[[(3S)-3-(4-fluorophenyl)methyl)piperidinyl]methyl]cyclohexyl]-ureaは、請求の範囲12の化合物に該当し、また、請求の範囲1,3-5,9の医薬と有効成分及び医薬用途の点で区別し得ないものである。また、文献2には、種々のホスホン酸ジエステル誘導体が記載されており、この中の一部のものは、請求の範囲12の化合物に該当するものである。

請求の範囲 2 , 6-8 , 10 , 11 , 13 の発明は、国際調査報告で引用された文献 1 , 2 には記載も示唆もされておらず、文献 1 , 2 によっては、新規性及び進歩性を否定されない。



国際出願番号 PCT/JP03/12648

Ⅷ. 国際出願に対する意見

請求の範囲、明細書及び図面の明瞭性又は請求の範囲の明細書による十分な裏付についての意見を次に示す。

請求の範囲1、3-5、9-12に係る発明は、一般式(I-1)で表される化合物又は一般式(I-1)で表される化合物とほぼ同じ範囲を持つ一般式(I)で表される化合物を有効成分とする医薬の発明であるが、特許協力条約第6条の意味において明細書に裏付けられ、また、特許協力条約第5条の意味において明細書に開示されているものは、請求の範囲I、3-5、9-12の発明の化合物及び医薬の中のごく僅かな部分に過ぎない。

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 72.2)

1	

SIKS & CO. 8th Floor, Kyobashi-Nisshoku Bldg. Kyobashi, 1-chome Chuo-ku, Tokyo 104-0031 JAPON

8-7,

Date of mailing (day/month/year) 21 April 2005 (21.04.2005)	
Applicant's or agent's file reference A31631M	IMPORTANT NOTIFICATION
International application No. PCT/JP2003/012648	International filing date (day/month/year) 02 October 2003 (02.10.2003)
Applicant INSTITUTE OF ME	EDICINAL MOLECULAR DESIGN. INC. et al

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

AZ, CA, CH, CN, CO, EP, GH, KG, KR, MK, MZ, RO, RU, TM

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, BA, BB, BG, BR, BY, BZ, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, ES, FI, GB, GD, GE, GM, HR, HU, ID, IL, IN, IS, JP, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PG, PH, PL, PT, SC, SD, SE, SG, SK, SL, SY, TJ, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Authorized officer

Yoshiko Kuwahara

Facsimile No.+41 22 740 14 35

Facsimile No.+41 22 338 90 90







PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference			
A31631M	FOR FURTHER ACTIO	Preliminary	ication of Transmittal of International Examination Report (Form PCT/IPEA/416)
International application No. PCT/JP2003/012648	International filing date (day 02 October 2003 (02		Priority date (day/month/year) 03 October 2002 (03.10.2002)
International Patent Classification (IPC) or na			03 0010001 2002 (03.10.2002)
C07D 403/12, 239/92, A61K 31/	517, A61P 11/06, 15/00, 2	5/04, 25/20, 2	5/28, 27/00, 29/00, 37/08, 43/00
Applicant			
INSTITUTE	OF MEDICINAL MOL	ECULAR D	ESIGN. INC.
This international preliminary examinand is transmitted to the applicant according to the according to the applicant according to the according to the applicant according to the according	nation report has been prepare cording to Article 36.	d by this Intern	national Preliminary Examining Authority
2. This REPORT consists of a total of _	4 sheets, include	ing this cover s	heet.
This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).			
These annexes consist of a total of sheets.			
3. This report contains indications relating	ng to the following items:		
I Basis of the report			
П Priority			
III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability			
IV Lack of unity of invention		,	
V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		entive step or industrial applicability;	
VI Certain documents cited			
	nternational application		
VIII Certain observations on the international application			
Date of submission of the demand	Date o	completion of	th.;
02 October 2003 (02.10.20	1		oruary 2004 (12.02.2004)
Name and mailing address of the IPEA/JP	Author	zed officer	
Facsimile No.	Teleph	one No.	

Form PCT/IPEA/409 (cover sheet) (July 1998)



International application No.

PCT/JP2003/012648

I.]	Basis	f the report
1.	With	egard to the elements of the international application:*
	\boxtimes	the international application as originally filed
		the description:
		pages, as originally filed
		pages, filed with the demand
		pages, filed with the letter of
		the claims:
	_	pages, as originally filed
		pages, as amended (together with any statement under Article 19
		pages, filed with the demand
		pages, filed with the letter of
		the drawings:
		pages, as originally filed
		pages, filed with the demand
		pages, filed with the letter of
	\Box	e sequence listing part of the description:
		, as originally filed
		pages, filed with the demand pages, filed with the letter of,
2.	the in	egard to the language, all the elements marked above were available or furnished to this Authority in the language in which ernational application was filed, unless otherwise indicated under this item. elements were available or furnished to this Authority in the following language which is:
	H	the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
	H	the language of publication of the international application (under Rule 48.3(b)).
١	ш.	the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).
3.	With prelin	regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international inary examination was carried out on the basis of the sequence listing:
	\parallel	contained in the international application in written form.
	H	filed together with the international application in computer readable form.
	Щ	furnished subsequently to this Authority in written form.
		furnished subsequently to this Authority in computer readable form.
		The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
		The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.
4.		The amendments have resulted in the cancellation of:
		the description, pages
		the claims, Nos.
		the drawings, sheets/fig
5.		This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**
	Repla in thi and 7	ement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16
		placement sheet containing such amendments must be referred to under item 1 and annexed to this report.



In onal application No.
PCT/JP03/12648

atement			
Novelty (N)	Claims	2, 6-8, 10, 11, 13	YE
•	Claims	1, 3-5, 9, 12	NO
Inventive step (IS)	Claims	2, 6-8, 10, 11, 13	YE
	Claims	1, 3-5, 9, 12	NO
Industrial applicability (IA)	Claims	1-13	YE
	Claims		NO

2. Citations and explanations

Document 1) WO, 00/35452, A Document 2) JP, 8-143586, A

The inventions of claims 1, 3-5, 9 and 12 do not appear to be novel based on documents 1 and 2 cited in the ISR. Document 1 describes a CCR3 modulator, which is a compound represented by Formula (I) that is useful as a preventive / therapeutic drug for asthma and allergic diseases. One such compound, N((3H)-2-ethylquinazolin-4-on-3-yl)-N'-[(1R,2S)-2[[(3S)-3-(4-fluorophenyl)methyl)piperridinyl]methyl]cyclohexyl]-urea is equivalent to the compound described in claim 12; this cannot be distinguished from the drugs described in claims 1, 3-5 and 9 with respect to the points of active ingredient and medical usage. Moreover, document 2 describes various phosphoric diester derivatives; one portion of them is equivalent to the compound described in claim 12.

The inventions of claims 2, 6-8, 10, 11 and 13 are neither described nor suggested in documents 1 and 2 cited in the ISR, and the novelty and inventive step thereof cannot be refuted by documents 1 and 2.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

In onal application No.
PCT/JP03/12648

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The inventions relating to claims 1, 3-5 and 9-12 are inventions for a drug having as an active ingredient a compound represented by General Formula (I-1) or a compound represented by General Formula (I), which is substantially similar in scope to the compound represented by General Formula (I-1); however, only a small portion of the compounds and drugs described in the inventions of claims 1, 3-5 and 9-12 are supported by the specification in the sense of PCT Article 6 and fully disclosed in the specification in the sense of PCT Article 5.